

## **Inspection Report McLean County Jail**

**SCOPE=** The (DOCR) inspected Mclean County Jail (MCJ) using North Dakota Correctional Facility Standards. These standards are the minimum standards in which the statute defines the functions and conditions that must be met. These standards cover issues of safety, construction, operation, maintenance, medical, legal, food, mail, inmate rights, and security in the jail. This inspector toured all areas of the jail including, interview rooms, holding and booking, individual and double cells, day room, visiting area, recreation area outside observation cell, food services, and laundry area.

**BACKGROUND INFORMATION=** McClean County Jail (MCJ) is a grade one facility. Both adult male and female sentenced and pre-sentenced offenders are housed at MCJ. JR Kerzmann is the Sheriff for the Mclean County Sheriff's Department. Wade Krohmer is the Jail Administrator. Sheriff JR Kerzmann and the Mclean County Jail are under the authority of the Mclean County of Commissioners. Mclean County Jail has an authorized complement by category; administration 1, security 13 and maintains staffing levels of 8.5:1 in the evenings and 8:1 during the day shift. MCJ has an authorized capacity of 30 inmates; on the date of the inspection, the inmate count was 26. The average length of stay is 17 days, and 562 males and 242 females were processed for the year of 2017. MCJ maintains active contractual agreements to house other inmates from different jurisdiction including, Burleigh, Morton, Ward, Mercer, McKenzie, Williams, Dunn Counties. Inmates are classified into four custody levels Minimum, Medium, Maximum and Special Management. MCJ houses minimum, medium, and maximum custody males and female up to 365 days, or until an inmate's court case are completed. MCJ does have a work release program, however, at the time of the inspection, there were no inmates on work release.

**PHYSICAL PLANT=** The jail is located at 709 6th Ave, Washburn, North Dakota. The facility was constructed in 2008. The jail is contained in one building. This facility has two single occupancy cells and four double occupancy cells in two different units. A sink and a toilet are included in every cell. MCJ has two dorm units, one dorm unit has 12 beds, and one dorm unit has eight beds. Each dorm has the basic furnishings, television, phone, common shower facilities, and multi-purpose areas. The dorms had adequate and appropriate seating provided for the number of detainees that make use of each dorm. This inspector did not find any disagreeable odors in the dorms that have multiple sinks and toilets in the dorm. All general housing units have natural lighting. Illumination was sufficient for comfortable reading through the detainee living areas. The lobby to the jail facility is manned 24 hours a day. The sally port provides entry for all vehicle traffic and emergency vehicles. The control center also monitors activity from cameras located throughout the facility. MCJ has a total of 45 cameras throughout the facility. MCJ has one indoor recreation yards with louvers that open for outside air. MCJ use a hand-held wand which is utilized for any person entering the facility through the front entrance. Noise levels throughout the facility, including those in the housing areas, were very low. Temperatures were within the normal comfort zone throughout the jail.

**SHOWERS=** The showers throughout the facility were clean. The water in the shower maintained a temperature of 105 in two showers tested.

**HEALTH CARE=** Healthcare at MCJ is administered by a Nurse who is under contract with MCJ. MCJ has on-site medical coverage when needed. Inmates have direct access to the nurse through the utilization of sick call requests. If an inmate requires medical care after hours, MCJ has two options; the nurse is on call, or MCJ can transport the individual to Bismarck ER. Medication lines are conducted four times a day, at 6:00 a.m. 12:00 p.m. 6:00 p.m. 10:00 p.m. and as needed. Health Administrator for MCJ is Doctor Weinberger.

**SAFETY AND EMERGENCY PROCEDURES=** Fire protection is provided by means of smoke detectors and sprinklers. The jail facility is supported by the Washburn Fire Department when needed. There is an annunciation panel in the main control center. Fire extinguishers are fully charged. Extinguishers are appropriately checked and available in all areas of the facility. Fire drills were not conducted, and inmates were not aware of what actions to take in the event of a fire. Throughout the facility the level of sanitation and cleanliness was outstanding.

**FOOD SERVICES=** Food service at the MCJ is administered by MCJ staff and inmates. There were two inmates and one MCJ staff member who provide three meals daily to the inmates. The two inmates working in food service were cleared by medical to work in food services. The food was of adequate portions and good quality. The menu meals rotate on a five-week cycle. All the equipment appeared to be well maintained and properly cleaned. Foodservice inmates were properly dressed, with face guards and hats

as required. The freezer, the dry goods room, and the cabinets throughout the kitchen were well organized. The inmates working in food service are aware of safety and sanitation practices. The overall appearance of MCJ food service was outstanding.

**ACCESS TO COURTS AND LEGAL REPRESENTATIVES=** All inmates at MCJ have access to the legal material to help in the preparation with their legal issues. There is a limited amount of legal materials in the library. Inmates are required to use a request form to request legal material if they need additional legal material. Mr. Krohmer will forward this request to States Attorney. MCJ does allow an inmate to make one telephone call upon being booked. This call can be to a attorney or a bail bond agent, or to a relative or other personal contact. Inmates remaining in custody will be assigned to a housing unit where telephones are available in the dayrooms.

**INMATE RIGHTS=** Inmates have the right to file a complaint about jail conditions and voice their concerns about the treatment they receive. Inmate interviews indicated that they are treated respectfully, impartially and fairly by all jail staff.

**MAJOR EVENTS=** There were no major events in the last 12 months.

**GREIVANCES=** There were no inmate grievances filed in November and December.

**Fiscal=** Mclean County Jail has an annual budget of \$660.000

**LITIGATION=** There were no lawsuits filed against MCJ.

**PREA=** Wade Krohmer is the PREA Coordinator. At the time of inspection, MCJ has not conducted a PREA audit. MCJ reports that there have been no substantiated reports of sexual abuse made by inmates at the facility within the past 12. All the inmates receive the required PREA education upon admission. The jail claimed to have no known LGBTI inmates at the time of the audit. All of the inmates interviewed acknowledged receiving PREA training and written materials (posters,) outlining the jails zero tolerance policies towards sexual abuse; knew the reporting procedures; and reported staff of the opposite gender announced when entering a housing area. All inmates who were asked stated they felt safe at the jail and did not believe sexual assault was occurring in the jail. One inmate believed it was not occurring because of the staff observation and presence, and it would be dealt with immediately. This auditor found the inmates were aware of PREA.

**CONCLUSION/EXIT MEETING=** When the on-site inspection was completed, Tim Brehm, Doug Baumiller, and Robert Werlinger conducted an exit meeting. While the inspectors could not give the jail a final finding, the inspectors did provide a preliminary status of their findings. The inspectors thanked Mclean County Jail staff for their hard work. Wade Krohmer expressed a willingness in adopting all the recommendations to improve MCJ. DOCR is convinced that leadership and staff will continue to ensure that MCJ will comply with Federal and State laws and North Dakota Correctional Facility Standards, by providing inmates with a secure, safe environment. Wade Krohmer Jail Administrator, and the staff at MCJ, you are to be commended for their hard work at McLean County Jail. During the interim report writing and corrective action period, this inspector reviewed modified policies and additional documents that were provided by MCJ. Dec 2017

**Reviewer: Robert Werlinger, Tim Brehm, Doug Baumiller**

**Facility: McLean County Jail (MCJ)**

**Grade: 1**

**Maximum Capacity: 30**

**Current Inmate Count: 22 Males 4 Females**

**Standard 1: Variances: Compliance**

A correctional facility shall comply with the standards adopted by the Department of Corrections and Rehabilitation unless a variance has been granted by the North Dakota Department of Corrections and

Rehabilitation ("DOCR"). A request for a variance must be submitted in writing using the DOCR Variance Request Form. A variance may be granted in accordance with N.D.C.C. § 12-44.1-26.

Comments: No variances have been requested or granted.

**Standard 2: Applicable Laws:**

**Non-Compliant**

The facility administrator shall comply with all applicable state and federal laws, rules, and regulations, including all requirements of 28 Code of Federal Regulations Part 115 (PREA).

**Comments: The PREA statute requires that all correctional facilities complete a PREA audit by certified PREA auditor. At the time of the inspection, Mclean County Jail has not completed a PREA audit.**

**Standard 3: Grade, Classification, and Population: Compliance**

The Director of the DOCR shall notify the administrator of the approved correctional facility grade classification the approved number of classifications, and total number of people that may be confined in the correctional facility. The Director of the DOCR shall notify the administrator of the terms of any variances that have been granted.

**Comments: At the time of the inspection the inmate population did not exceeded rated capacity.**

**Standard 4: Facility Policy Review:**

**Compliance**

The facility administrator for each correctional facility shall review and when necessary, update the facility's policies and procedures at least annually and make them available in electronic form to the DOCR Office of Facility Inspections upon request.

**Comments: MCJ policies and procedures have been reviewed and are in compliance.**

**Standard 5: Inmate Access to DOCR: Compliance**

Every facility must have a written policy and procedure to permit inmates to contact the DOCR Office of Facility Inspections. The DOCR Office of Facility Inspections contact information shall be made available to inmates.

**Comments: Contact information for the DOCR is posted in all inmate housing areas**

**Standard 6: Inspections and Self Inspections: Compliance**

Inspections of correctional facilities must be made pursuant to North Dakota Century Code Chapter 12-44.1 and the North Dakota Correctional Facility Standards. Every facility administrator shall submit a self-completed jail inspection report to the DOCR Office of Facility Inspections at least 30 days prior to the scheduled onsite inspection.

**Comments: MCJ did conduct a self-inspection.**

**Standard 7: DOCR Access to Facility: Compliance**

Officials under the authority of the Director of the Department of Corrections and Rehabilitation may enter any correctional facility in this state at any time without prior notice, and may confer privately with any employee or inmate about the facility and facility operations.

**Comments: MCJ granted access to DOCR Correctional Facility inspector.**

**Standard 8: Construction and Renovation Plan Expenditures: Compliance**

All construction plans or renovation plans with an estimated expenditure of more than one hundred thousand dollars must have approval from the office of the Director of the Department of Corrections and Rehabilitation before commencement of the project.

**Comments: No construction or renovation plans are currently in progress or anticipated**

**Standard 9: Construction and Renovation Plan Standards: Compliance**

All plans for the construction or major renovation of correctional facilities must be in accordance with model correctional facility standards such as the standards published by the American Correctional Association, National Sheriff's Association and the National Institute of Corrections. Unless otherwise noted, the square footage requirements apply to plans approved after January 1, 1992.

**Comments: No construction or renovation plans are currently in progress or anticipated**

**Standard 10: Male and Female Separation: Compliance**

Facilities must have a policy and procedure that requires separate male and female housing and includes visual, physical and sound separation between male and female inmates.

**Comments:** There are visual, physical and sound separations between male and female inmates at MCJ.

**Standard 11: Single Cell Square Footage Requirements: Compliance**

A single cell must provide a minimum of 70 square feet if confinement exceeds ten hours in a 24-hour period. All single cells must provide a minimum of 35 square feet of unencumbered space.

**Comments:** MCJ demonstrates compliance with this standard.

**Standard 12: Single Cells for Special Needs: Compliance**

Every facility must have a policy, procedure and practice to provide single-occupancy cells for: inmates who may present a serious threat to the safety or security of the correctional facility, the staff, the inmate, or other inmates; inmates with severe medical disabilities; sexual predators; inmates likely to be exploited or victimized; or inmates with other special needs.

**Comments:** Single cells are available,, according to classification level, and according to gender. Accommodations can be made for all identified needs regardless of the reason.

**Standard 13: Multiple Occupancy Room Usage: Compliance**

A facility may use a multiple occupancy room for medium or minimum custody inmates. Correctional staff shall classify and screen inmates before housing in multiple occupancy rooms.

**Comments:** MCJ meets the requirements of this standard.

**Standard 14: Multiple Occupancy Room Square Footage Requirements: Compliance**

A multiple occupancy room must contain a minimum of 25 square feet of unencumbered space per inmate. When confinement exceeds ten hours per day, at least 35 square feet of unencumbered space must be provided for each occupant.

**Comments:** MCJ meets the requirements of this standard.

**Standard 15: Grade One Dayroom for Indoor Recreation: Compliance**

Grade one facilities must provide dayrooms that are separate from indoor recreation areas.

**Comments:** MCJ addresses the requirements of this standard.

**Standard 16: Secure Booking Area: Compliance**

Every facility must have a booking area that is separate and secure from the public and inmate housing areas.

**Comments:** MCJ meets the requirements of this standard.

**Standard 17: Control Room Separation: Compliance**

Every newly constructed facility must provide a control room area that is physically separated and staffed separately from a law enforcement dispatch center.

**Comments:** MCJ meets the requirements of this standard.

**Standard 18: Toilet, Wash Basin, and Urinal Ratios: Compliance**

Inmates, including inmates housed in medical units and infirmaries, must have access to toilets and wash basins with temperature controlled running water 24 hours a day. Inmates must be able to use toilet and wash basin facilities without staff assistance while confined to their cell or sleeping area.

A. thru E. (see standard)

**Comments:** MCJ meets the requirements of this standard.

**Standard 19: Shower Temperature and Ratio: Compliance**

Grade one, two, and three facilities must provide showers that are available to all inmates. Facility showers must maintain the water temperature between 100 to 120 degrees. The facility shall provide showers at a ratio of not less than one shower per twelve inmates.

**Comments:** MCJ meets the requirements of this standard.

**Standard 20: Recreation Area Space Requirements: Compliance**

The minimum space requirements for exercise areas: (Post 1992 construction)

Outdoor exercise area: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1,500 square feet of unencumbered space;

Covered/enclosed exercise areas in facilities of 100 or more inmates: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 1000 square feet of unencumbered space;

Covered/enclosed exercise areas in facilities of less than 100 inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 500 square feet of unencumbered space.

**Comments: MCJ meets the requirements of this standard.**

**Standard 21: Intake Requirements: Compliance**

Only staff that have completed North Dakota Correctional Officer Basic certification and Correctional Medical Training I and II, or have completed the training required under Standard 103, or are acting under the supervision of trained correctional facility staff may perform intake screenings on inmates at intake admission. Staff shall record their findings in the medical screening portion of the intake form approved by the facility healthcare administrator. The medical screening portion of the intake form may be completed by a licensed medical professional. Every facility must have a written policy and procedure that includes a written record of:

A. Current illness and health problems, including dental problems, sexually transmitted diseases and other infectious disease.

B. thru M. (see standard)

**Comments: Staff acknowledged that they have completed North Dakota Correctional Officer Basic certification and Correctional Medical Training I and II, are allowed to do medical screening intake forms. MCJ meets the requirements of this standard.**

**Standard 22: Supervision on Mentally Ill and Emotionally Disturbed: Compliance**

Every facility housing an inmate with signs or symptoms of mental illness or emotional disturbance or who is detained pursuant to a court-ordered emergency commitment under N.D.C.C. chapter 25-03.1 shall place the inmate under close staff supervision, up to and including direct personal observation. Staff shall document the time, condition, and actions of the inmate in the designated log.

**Comments: The documentation was reviewed, and all the documentation was clear and legible, and it does convey all of the essential information that is needed. MCJ meets the requirements of this standard.**

**Standard 23: Intake File Content Requirements: Compliance**

Staff shall establish individual files at intake. The following minimum identification data and information must be recorded for each inmate in the facility:

A. Name (previous legal names or aliases, if any);

B. thru X. (see standard)

**Comments: A recommendation; ensure that all intake files have veteran's status, primary language on the intake file. Reviewed five intake files and two files did not have veteran's status, primary language. Mr. Krohmer indicated that all future in-take files would have the complete identification data and information on all in-take files**

**Standard 24: Facility Clothing: Compliance**

A facility may require an inmate to wear facility clothing. If inmates are required to wear facility clothing, the facility shall issue a clean set of appropriately sized jail clothing, including pants and shirt or coveralls and footwear, and if necessary, undergarments. Inmates may be permitted to wear their own clothing.

**Comments: There were no complaints during the inmate interviews that would indicate MCJ was not following this standard.**

**Standard 25: Inventory of Inmate Personal Property: Compliance**

Staff shall inventory and itemize all personal property taken from an inmate at intake. A record of the property must be signed by the inmate, placed in inmate's file and the property made available to the inmate upon release, unless the property is evidence of a crime. The property room must be secure and access to the property room controlled.

**Comments: Reviewed five property inventory forms and two of them were not signed by the inmate. The forms are retained in the inmate file. Mr. Krohmer indicated that he would take care of this matter.**

**Standard 26: Intake Telephone Call: Compliance**

Every facility must have a written policy and procedure that allows a newly admitted inmate the opportunity to attempt at least one telephone call. These calls may be completed on a facility telephone or facility-approved electronic device as soon as admission process has been completed or within a reasonable time determined by the administrator. The facility shall maintain documentation of the telephone calls and, when applicable, the inmate's refusal to make a telephone call.

**Comments: MCJ policy and procedures demonstrates compliance.**

**Standard 27: Inmate Orientation:**

**Non-Compliant**

Upon admission, or as soon as practical, staff shall provide inmates orientation information in a language the inmate understands, including:

A. Visitation;

B. thru H. (See standards).

Staff shall document completion of the orientation and shall obtain the inmate's signature and date. If the inmate refuses, or is unable to acknowledge, the completion of orientation, correctional facility shall document the inmate's refusal or inability to acknowledge completion of orientation

**Comments: At the time of the inspection MCJ did not have an orientation procedure for new inmates. Mr. Krohmer indicated that he would have an orientation procedure in place within a week.**

**Standard 28: Incident Reporting: Compliance**

Every facility must have a policy and procedure to report significant incidents occurring within the jurisdiction of the facility. Significant incidents must be reported within one hour to the DOCR Office of Facility Inspections. Every facility shall submit the Significant Incident Reporting form provided by the DOCR to the DOCR Office of Facility Inspections within 24 hours of the initial notice. Significant incidents include:

A. Severe assaults of any individual;

B thru J. (see standards)

**Comments: Documentation shows that MCJ has reported all significant incidents to the DOCR.**

**Standard 29: Request for BCI Investigation: Compliance**

The facility administrator or the DOCR Office of Facility Inspections may request an independent investigation from the North Dakota Bureau of Criminal Investigation following:

In-custody death of an inmate;

Escape or attempted escape of an inmate; and

Crimes involving staff within the facility.

**Comments: MCJ procedures meet the requirements of this standard.**

**Standard 30: Trained Staff and Female Staff: Compliance**

A facility may not detain an inmate without a trained person on duty capable of responding to the reasonable needs of the inmate. When females are housed in the facility, at least one female correctional officer must be on duty at all times in the facility. An inmate may not be placed in a supervisory capacity over other inmates.

**Comments: A review of the staffing schedule indicates that MCJ meets this standard.**

**Standard 31: Suicide Prevention Plan: Compliance**

Every facility must have a written suicide prevention plan that includes:

A. Identification of the warning signs and symptoms of suicidal behavior and mental illness;

B. thru F. (See Standards)

**Comments: MCJ has a suicide prevention plan that contains all the elements required.**

**Standard 32: Inmate Observation: Compliance**

Every facility must have a written policy and procedure for inmate observation. Trained staff shall personally observe each inmate during each hourly period on an irregular basis. Trained staff shall personally observe inmates who exhibit suicidal tendencies, self-destructive behavior, emotional distress, or have specialized medical problems at more frequent intervals as the inmate's condition requires. Documentation of inmates in observation must include:

A. Reason for placement;

B. thru E. (See standards)

**Comments: Checks are done within 30 minutes so that any reasonably delayed check is still within DOCR standards. Trained staff are assigned to checks on specified inmates.**

**Standard 33: Daily Written Record Requirements: Compliance**

Every facility shall maintain a daily written record, including the date and time and the name of staff that completed the record, including:

- A. Personnel on duty;
- B. thru F. (See standards)

**Comments: MCJ meets the requirements of this standard.**

**Standard 34: Inmate Count: Compliance**

Every facility must have written policy and procedures for documented formal counts of inmates held in the facility including: A. Inmates out on temporary leave from the facility;

- B. thru C.

**Comments: MCJ meets the requirements of this standard.**

**Standard 35: Searches of Facility Grounds and Vehicles: Compliance**

Each facility must have a written policy and procedure governing searches of the facility and grounds, vehicles used to transport inmates, and inmate living areas.

**Comments: MCJ policy and procedures demonstrates compliance.**

**Standard 36: Searches Clothed and Unclothed: Compliance**

Every facility must have a written policy and procedure for clothed and unclothed searches of inmates. The policy and procedure must include the following:

- A. Licensed medical personnel may conduct manual, visual, or instrument searches of body cavities based upon reasonable suspicion and within the scope of their licensure.

- B. thru H. (See standards)

**Comments: MCJ policy and procedures demonstrate compliance.**

**Standard 37: Use of Force: Compliance**

Every facility must have a written policy and procedure governing use of force. The written policy and procedure must restrict the use of force to the safety and security of staff, inmates, and the public, protection of property, prevention of escapes, prevention of crime, when necessary to enforce facility rules and restore order, and only in accordance with legal authority. Staff shall document any use of force and submit a written report to the administrator by the end of the employee's shift. The facility shall make a reasonable attempt to video record all use of force situations. The facility shall report the use of force that results in injury in accordance with Standard 28.

**Comments: MCJ demonstrates compliance with this standard. MCJ policy authorizes staff to use force only as a last alternative after all other reasonable efforts to resolve a situation have failed. When authorized, staff must use only that amount of force necessary to gain control of the inmate, to protect and ensure the safety of inmates, staff, and others, to prevent serious property damage.**

**Standard 38: Inventory of Equipment:****Non-Compliant**

Every facility must have a written policy, procedure, and practice for a current inventory, security, control and use of keys, tools, culinary and medical supplies and equipment.

**Comments: At the time of the inspection Mclean County Jail was unable to provide this inspector with an inventory or show that procedures were in place to inventory keys, culinary and security equipment to comply with standard 38. MCJ did have a policy however the procedures did not reflect the policy.**

**Standard 39: Post Orders:****Non-Compliant**

Every facility shall have written post orders for every correctional officer post. Written post orders must specify the duties of each post and the procedures that must be followed to carry out the assignment. All post orders shall be reviewed annually and updated or amended as needed.

**Comments: At the time of the inspection Mclean County Jail did not have post orders.**

**Standard 40: Post Order Staff Review:****Non-Compliant**

All staff shall read, sign and date the post orders annually, or before beginning to work a post that the staff has not been assigned in the previous 120 days, or when the post orders are updated or amended.

**Comments: At the time of the inspection Mclean County Jail did not have post orders, therefore, staff were unable to read, sign and date the post orders.**

**Standard 41: Supervisory Staff Patrols: Compliance**

Every facility shall have a written policy, procedure and practice requiring that supervisory staff shall conduct a daily patrol, including weekends and holidays, of all areas occupied by inmates and record their visits and patrols in a daily log. The sheriff or the facility administrator shall visit the facility living and activity areas at least weekly to observe living and working conditions. When the sheriff or facility administrator is not available, a supervisory official shall complete these duties. These visits and patrols must be logged.

**Comments: Administrators were asked the frequency of their patrols, and they indicated that rounds are being conducted. MCJ demonstrated compliance with this standard.**

**Standard 42: Exceeding Maximum Capacity: Compliance**

A facility may not operate above the capacity established by the DOCR. Every facility must have a written policy and procedure governing temporary space arrangements in case of arrests that exceed the maximum capacity of the facility.

**Comments: MCJ has not exceeded rated capacity. MCJ demonstrate compliance.**

**Standard 43: Use of Restraints: Compliance**

Every facility must have a written policy and procedure for the use of restraint devices, including use of restraints with pregnant females. The use of restraints on a female who is in active labor and delivery is prohibited. Restraint devices may only be used as a precaution against escape, during transports, for medical reasons by direction of the medical personnel, and as a prevention against inmate self-injury, injury to others, or property damage. Restraint devices may not be applied as punishment. All decisions and actions on the use of restraints must be documented.

**Comments: MCJ policy and procedures that demonstrate compliance.**

**Standard 44: Transportation of Inmates: Compliance**

Every facility must have a written policy and procedure governing the transportation of inmates outside the facility. The policy must include the use of equipment during transport, the qualifications for transport officers, the use of firearms under N.D.C.C. § 12-44.1-30, the use of restraints, inmate transport clothes, and the use of escort vehicles.

**Comments: MCJ policy and procedures demonstrate compliance.**

**Standard 45: Transfer of Inmate Files: Compliance**

Every facility must have a written policy and procedure governing the transfer of an inmate's complete medical, dental, mental health and forensic records when the inmate is transferred to another correctional facility. Prescription medications shall be transferred with the inmate.

**Comments: MCJ policy demonstrate compliance.**

**Standard 46: Notification of Victims and Witnesses: Compliance**

Every facility must have a written policy and procedure governing the notification of victims and witness in accordance with North Dakota law. At minimum, the policy and procedure must include a process for ensuring the collection, storage, and accuracy of offender and victim and witness information; the confidentiality of victim and witness information; a timely notification method; a way to document notification; and a process to follow up with notifications, if needed, and in compliance with the statewide automated victim information and notification (SAVIN) system.

**Comments: MCJ policy and procedures demonstrate compliance.**

**Standard 47: Inmate Work: Non-Compliant**

A facility may require sentenced inmates to perform work. The correctional facility may not require a pre-trial detainee to perform work except routine general housekeeping duties. A facility may allow a pre-trial detainee to perform work only upon the request or consent of the pre-trial detainee. A facility shall provide safety training to inmates prior to work assignment. A facility shall maintain documentation of the training.

**Comments: At the time of the inspection Mclean County Jail indicated that they did not offer safety training to inmates that work in the facility.**

**Standard 48: Health Care Administrator: Compliance**

A facility administrator shall designate a licensed physician, nurse practitioner, physician's assistant, or a county or state health authority to be the healthcare administrator. The healthcare administrator shall be responsible for healthcare administration and development of health care policies and procedures.



**Comments:** MCJ addresses the requirements of this standard. The healthcare administrator is responsible for healthcare administration and development and reviewed health care policies and procedures.

**Standard 49: Access to Medical Care: Compliance**

Every facility must have a written policy and procedure for receiving and documenting inmate health issues on a daily basis, including that inmates have access to medical care including physical, mental health, eye care and dental care. This procedure must provide that the medical administrator receives all sick call requests. Sick call for Grade one and grade two facilities must be provided by a licensed medical professional at least once per week.

Adequate staff, space, equipment, supplies and materials must be provided if health care is delivered in the correctional facility. The cost of medical care may be subject to payment by or reimbursement from the inmate. Inmates may not be denied access to medical care because of their inability to pay costs.

**Comments:** MCJ policy and procedures demonstrate compliance. The medical examination room is equipped with the necessary equipment for health examination. There were no indications that inmates were refused medical services due to their inability to pay.

**Standard 50: First Aid and CPR: Compliance**

At least one staff person must be on duty within the facility that has current certification in basic first aid training and basic cardiopulmonary resuscitation training (CPR).

**Comments:** Staff does acknowledge that they did receive basic first aid training and basic Cardiopulmonary Resuscitation training (CPR) within the last year. The staff member who taught CPR was on duty at the time of the inspection and confirm that all the staff have completed CPR in the last year. It is recommended that MCJ needs to maintain up to date training records. Mr. Krohmer indicated that he would ensure that all training records will be maintained on the computer and that a hard copy is also maintained.

**Standard 51: Access to Medical Professional: Compliance**

A licensed physician, nurse practitioner, physicians' assistant, or registered nurse must be available on-call on a 24-hour basis. Procedures to notify a licensed physician, nurse practitioner, physician's assistant, or registered nurse on duty at a hospital are sufficient. Correctional facilities in communities without a licensed physician, nurse practitioner, physician's assistant or registered nurse must have arrangements to provide health care to an inmate on the same basis as any resident of the community. The inmate must be transported to an appropriate health care facility or a licensed physician, nurse practitioner, physician's assistant, or registered nurse must be brought to the correctional facility.

**Comments:** MCJ has a nurse on duty Monday–Friday and if needed the nurse is available an on-call basis. MCJ meets the requirements of this standard.

**Standard 52: Health Care Administrator Training of Staff: Non-Compliant**

Every facility must have a training program approved by the healthcare administrator that includes:

- A. Response to emergency health-related situations;
- B. thru G. (See standards)

**Comments:** At the time of the inspection Mclean County Jail indicated that they did not have a training program or documentation for training that was provided.

**Standard 53: Treatment of Injuries Sustained in Facility: Compliance**

Every facility must have a written policy and procedure to provide medical care for anyone injured within the facility.

**Comments:** MCJ policy provides the necessary guidelines and procedures in the event an inmate or staff are injured within the facility.

**Standard 54: Emergency Medical Supplies: Compliance**

Every facility shall maintain a first aid kit, emergency medical supplies equipment, and automatic external defibrillator (AED). The health care administrator shall determine the contents, locations and procedures for inspection of the kits, including a schedule and checklist to be used when inventorying the contents.

**Comments:** There are AED's and first aid kits located in the jail facility. A recommendation, first aid kits should be inspected and inventoried. MCJ meets the requirements of this standard.

**Standard 55: Separation of Inmate Files: Compliance**

Every facility shall maintain the confidentiality of an inmate's medical, psychological, and treatment records. The medical records file must be separate from the correctional facility confinement records.

A. The inmate's medical, psychological, and treatment records may only be disclosed in accordance with NDCC 12-44.1-28, which requires that a court may order the inspection of the records, or parts of the records, upon an application to the court and a showing there is a proper and legitimate purpose for the inspection and the provision of written authorization from the inmate for the inspection.

B. Thru E. (See Standards)

**Comments: MCJ medical records are accessible to medical staff only. MCJ meets the requirements of this standard.**

**Standard 56: Inmate Health Appraisals: Compliance**

A licensed physician, nurse practitioner, physician's assistant, registered nurse, or other qualified person the healthcare administrator may authorize, shall perform a health appraisal for each inmate detained in a grade one or grade two facility within fourteen days of the inmate's admission. The healthcare administrator shall determine the nature and extent of the health appraisal. The healthcare administrator may require a health appraisal at an earlier date if the health care administrator determines it is necessary. The health appraisal must include:

A. Tuberculosis testing and documented results;

B Thru H. (See standards)

Every facility shall document an inmate's refusal to participate in the health appraisal in whole or in part, and the documentation placed in the inmate's medical records. If the healthcare administrator determines that the inmate's refusal presents a risk to the health or safety of other inmates or staff, the inmate may be separated from the inmate population until such time as the health care administrator determines that the risk no longer exists.

**Comments: All required screening, testing, and assessments are conducted by the nurse. MCJ meets the requirements of this standard.**

**Standard 57: Health Care Orders: Compliance**

Every facility, in conjunction with the healthcare administrator, shall establish a written policy and procedures to carry out the orders of the health care administrator relating to an inmate's medical care. Staff shall document all treatment administered to inmates pursuant to orders of the health care administrator. Staff must be trained and able to respond to inmate medical emergencies within a four minute response time.

**Comments: MCJ policies and procedures demonstrate compliance. At time of inspection, there had been no deaths in custody within the last twenty-four months.**

**Standard 58: Inmate Death Notification: Compliance**

Every facility shall establish a written policy and procedures to make arrangements for notification of the next of kin or legal guardian of an inmate in case of death. The facility shall notify the county coroner and the state's forensic examiner in the event of an inmate death and comply with Standard 28.

**Comments: MCJ has a policy and procedures that demonstrate compliance.**

**Standard 59: Detoxification: Compliance**

Every facility must have a written policy and procedure for detoxification if the facility holds persons solely for detoxification. A facility may not hold a person for detoxification for more than 24 hours. Before a facility may hold a person for detoxification:

A. A licensed medical provider must provide medical clearance;

B. Thru C. (See standards)

**Comments: MCJ has a policy and procedures that demonstrate compliance.**

**Standard 60: Maintenance and Testing of Emergency Equipment: Compliance**

Every facility must have written policy and procedures that address the maintenance and testing of emergency equipment. The facility must have access to equipment necessary to maintain essential lights, power, and communications in an emergency. A monthly inspection or testing of equipment must be completed. Generators must be tested monthly or as recommended by the manufacturer.

**Comments: MCJ has a policy and procedures in place that demonstrate compliance. MCJ provided copies of all the testing documentation that complied with this standard.**

**Standard 61: Fire Prevention:****Non-Compliant**

Every facility must have a written policy and procedure specific to the facility for fire prevention to ensure the safety of inmates, staff, and visitors, including:

A. Provision for an adequate fire protection service;

B. thru E. (See Standards)

**Comments: At the time of the inspection MCJ indicated that they did not conduct fire drills. MCJ did have a policy regarding fire drills. However, no fire drills were conducted within the last year.**

**Standard 62: Evacuation Plans: Compliance**

Every facility must have a written evacuation plan prepared in case of fire or major emergency and the plan must include:

a. Procedures to account for all inmates, visitors, and staff.

B. Thru C. (See standards)

**Comments: Evacuation Plan was reviewed, and the plan demonstrates compliance with this standard. Fire inspections are conducted annually by the Fire Department, and inspection results were available for review during the inspection.**

**Standard 63: Emergency Plans: Compliance**

Every facility must have written plans for a response to:

All facility personnel must be trained in the implementation of written emergency plans. Every facility shall review these plans annually and update when necessary.

**Comments: MCJ plan demonstrates compliance.**

**Standard 64: Storage and Use of Hazardous Materials: Compliance**

Every facility must have a written policy, procedure, and practice governing the storage and use of hazardous, toxic, and caustic materials. These policies and procedures must be in accordance with all applicable laws and regulations. A right-to-know manual of Safety Data Sheets must be available for review.

**Comments: SDS Sheets are maintained in multiple locations. The policy does contain provisions for safe storage of chemicals that are permitted within the jail, and all are secured away from unsupervised inmate access.**

**Standard 65: Boiler Inspection: Compliance**

Every facility utilizing a boiler shall comply with North Dakota Boiler Inspection requirements.

**Comments: A copy of the boiler inspection was provided, and a copy is posted in the boiler room.**

**Standard 66: Bedding and Clothing Exchange and Laundering: Compliance**

Each inmate shall be provided:

A. Appropriate clean clothing, towels, and bedding. The bedding must include:

1. Mattress, pillow and pillow case, if mattress does not have a built-in pillow, two sheets or a DOCR approved alternative, including bed sleeves, at least one blanket to provide comfort to sustain summer and winter comfort zones. All mattresses must be in compliance with national regulatory authority standards.

B. Thru D. (See Standards).

**Comments: Inmates are provided with clothing, bedding, and linens that meet this standard. There were no inmate complaints over the last twelve months about laundry issues.**

**Standard 67: Removal of Inmate Clothing or Bedding: Compliance**

A facility may remove inmate clothing or bedding from an inmate's cell when it determines it is necessary for safety, security, sanitation, or orderly operation of the facility. The facility shall have written procedures in place for the removal and return of inmate clothing and bedding from an inmate's cell. The facility staff shall document the date, time, items, and reason for removal, along with the date, time, and items returned to the inmate.

**Comments: MCJ procedures demonstrate compliance.**

**Standard 68: Personal Hygiene Products: Compliance**

Inmates detained for more than twenty-four hours must be provided personal hygiene items including:

A. Soap suitable for the entire body;

B. Thru C. (See standards).

**Comments:** MCJ demonstrates compliance with this standard. The inspection found that all inmates are provided with the basic requirements for their time in jail.

**Standard 69: Inmate Grooming: Compliance**

Every facility shall establish policies for grooming, including hair length and style and facial hair length and style. The facility's policies shall allow an inmate to request an exception to the facility's hair and facial hair restrictions, if any, based on the inmate's sincerely held religious beliefs. The facility may determine a schedule for barbering and hair care services.

**Comments:** MCJ policy demonstrates compliance.

**Standard 70: Biohazard Materials: Compliance**

Every facility must have written policy, procedures, and practices for the proper handling and disposal of biohazard materials.

**Comments:** MCJ has a written policy and procedures for handling and disposal of bio-hazard material. The current practice MCJ is using meets NDCC 33-20-12.

**Standard 71: Licensed, Registered Dietician Review of Menu: Compliance**

Grade one and two facilities shall have a licensed, registered dietician review and approve food menus annually. The approved menus shall be posted in locations accessible to all inmates in the facility. This rule applies to in-house and contracted food services.

**Comments:** The prepared menu has been reviewed and approved by a Licensed Registered Dietitian (LRD). Menus are posted in the units.

**Standard 72: Special Diets: Compliance**

Every facility must have a written policy and procedure that includes:

- A. Special diets approved by the appropriate medical or dental personnel;
- B. Thru C. (See standards)

**Comments:** MCJ policy demonstrates compliance with this standard. Special diets are available for religious needs or medical requirements. Inmate's practicing his or her religion that requires special diet, or medical needs for special diet, are accommodated by this policy.

**Standard 73: Food Service: Compliance**

Every facility shall provide inmates at least three meals, of which two are hot meals, at regular meal times during each twenty-four hour period, with no more than fourteen hours between the evening meal and breakfast. The facility staff shall document substitutions in the meals actually served, and substitutions must be of equal nutritional value. Every facility shall maintain accurate records of all meals served. Variations may be allowed during emergencies, for inmates on work release, and for weekends and holidays, provided nutritional requirements are met.

**Comments:** MCJ policy does demonstrate compliance.

**Standard 74: Alternate Food Service: Compliance**

Every facility must have written policies and procedures that an alternate food service may be provided to an inmate who uses food or food service equipment in a manner that is hazardous to the inmate or other persons. Alternative food service must be on an individual basis, it must be based on health or safety considerations, it must meet basic nutritional requirements, and there must be documented approval by the jail administrator and responsible health authority. The alternate food service must be reviewed and approved every seven days by the facility administrator or designee and responsible health authority.

**Comments:** MCJ has a policy and procedures that demonstrate compliance.

**Standard 75: Food Service Health Inspection: Compliance**

Food service facilities, equipment, and employees must meet all applicable health, safety, and sanitation laws and regulations. The health authority having jurisdiction shall conduct an inspection of the food service area of each grade one, two and three facility at least once a year. Each facility must maintain records of all inspections and all actions taken as a result of these inspections.

**Comments:** Copies of inspections were provided to this inspector. There were no corrective measures noted during inspections. MCJ demonstrates compliance with this standard.

**Standard 76: Weekly Food Service Inspections: Compliance**

When meals are prepared in the facility, the facility shall have a written policy, procedure and practice requiring weekly health, safety and sanitation inspections by the administrator or designee and food service manager. Records of the inspections and any corrective actions shall be maintained in the facility.

**Comments: MCJ policy and procedures demonstrate compliance. It is recommended, that MCJ inspect food service every week and document this inspection. It is this inspector opinion that staff may not be aware of all the critical areas to inspect during the weekly inspection, and checklist would aid in the inspection process.**

**Standard 77: Inmate Telephone Usage: Compliance**

A facility may allow an inmate to make telephone calls to persons other than the inmate's attorney within limitations set by the facility. The facility shall notify inmates at intake and shall post a notice in a location accessible to all inmates that phone calls, except to attorneys, are subject to monitoring and recording.

**Comments: MCJ meets the requirements of this standard.**

**Standard 78: Visitation Restriction or Denial: Compliance**

Every facility must have a written policy and procedure for inmate visitation. The facility may deny visitation or place restrictions on visitors when the facility has justification to believe the visitor presents a threat to correctional facility safety, security, order, or inmate rehabilitation. The facility shall document the justification for restricting or denying visitation.

**Comments: All denials are documented. MCJ policy and procedures demonstrate compliance.**

**Standard 79: Visitation Times and Notification: Compliance**

Every facility shall establish reasonable times for visitation. The visiting schedule must be posted in a location accessible to all inmates.

**Comments: Visiting schedules are posted in the housing units and on the MCJ website. MCJ demonstrate compliance with this standard.**

**Standard 80: Visitor and Property Searches: Compliance**

Every facility shall have a policy, procedure and demonstrated practice governing visitation and property, including: searches of visitors, contractors, volunteers, legal counsel and clergy. These rules must be made available to the inmates and public.

**Comments: MCJ policy and procedures demonstrates compliance.**

**Standard 81: Incoming and Outgoing Inmate Mail: Compliance**

Every facility must have a written policy, procedure, and practice governing incoming and outgoing general, official, and legal mail that includes:

A. Mail depository or mail collection process;

B. Thru D. (See standards)

**Comments: MCJ demonstrates compliance with this standard. MCJ policy establishes regulations, processes and procedures for inmates to send and receive mail. All mail is processed consistent with postal regulations and the security requirements of MCJ.**

**Standard 82: Inmate Access to Reading Materials: Compliance**

Every facility must have a written policy and procedure to provide for inmate access to reading materials, magazines, newspapers, and periodicals.

**Comments: MCJ policy and procedures demonstrates compliance.**

**Standard 83: Mail Rejection or Removal of Items: Compliance**

Every facility must have a written policy and procedure governing incoming and outgoing mail, including electronic mail, and legal or official mail. In each case when it is necessary to reject or remove any item of incoming or outgoing mail, a written record must be made that includes:

A. The inmate name and number;

B. Thru I. (See Standards)

**Comments: Each mail rejection or removal of items from the mail is individually reviewed consistent with the jail's legitimate penological interest in maintaining the safety, security and orderly operations of the jail. MCJ policy and procedures demonstrate compliance.**

**Standard 84: Inmate Attorney Telephone Contact: Compliance**

An inmate must be allowed to make telephone calls to the inmate's attorney at reasonable times. These calls may not be audio monitored or recorded. The telephone number of an attorney who has called an inmate must be obtained, and the inmate must be permitted to return the call at a reasonable time.

**Comments: Inmate interviews did indicate that inmates are allowed to make a phone call to attorneys. MCJ meets the requirements of this standard.**

**Standard 85: Attorney Visits: Compliance**

Each inmate must be allowed visits from legal counsel. Upon an inmate's request, legal counsel may visit an inmate after admission or as soon as reasonably possible. All subsequent visits by legal counsel may be restricted to reasonable hours. Visits by legal counsel may be subject to staff or video observation, but without audio-monitoring; however, when there may be observation, a notice must be posted in visiting areas. Audio or video recording of attorney visits is prohibited.

**Comments: MCJ demonstrates compliance with this standard.**

**Standard 86: Inmate Legal Material: Compliance**

Every facility must have a written policy and procedure to provide inmates who are not represented by legal counsel or by standby legal counsel, legal materials or assistance from persons trained in the law for purposes of preparing a defense in a criminal prosecution, to challenge a criminal conviction on a direct appeal, post-conviction, habeas proceedings, and to challenge conditions of confinement.

A list of persons trained in the law must be available to the inmates.

Legal materials may include:

A. A current edition of a leading legal dictionary;

B. Thru G. (See standards)

A facility may provide access to legal materials through sources approved by the administrator, including the law library of the state's attorney, materials from the law library of the district court, materials from the law library of the North Dakota Supreme Court, and may include photocopies of legal materials.

Legal materials may include:

**Comments: MCJ policy and procedures demonstrates compliance to this standard.**

**Standard 87: Legal Material Sources: Compliance**

Every facility shall have a policy and procedure for inmates to obtain legal materials from sources approved by the administrator, including:

**Comments: All inmates interviewed stated that they had access to legal materials to facilitate the preparation of their documents. Multiple staff are credentialed as Notary Public. Legal postage is provided to indigent inmates. MCJ meets the requirements of this standard.**

**Standard 88: Recreation and Supervision: Compliance**

Grade one and grade two correctional facilities shall provide inmates the opportunity for a minimum of one hour of daily programming outside their cells unless there is documented rationale for withholding programming. One hour of programming must include the opportunity for physical exercise in a recreation area.

Each facility that has a secure outdoor recreational area for inmate use must have trained staff that must be physically present to observe all inmates in the outdoor recreational area at all times.

**Comments: Recreation and time out of cells is conducted in compliance with this standard. MCJ meets the requirements of this standard.**

**Standard 89: Non-Discrimination: Compliance**

Each facility must have a written policy and procedure for the practice of religion. Inmates have the right to reasonable opportunities to exercise their religious beliefs, subject to limitations reasonable related to correctional facility safety and security.

Inmates may not be subjected to discrimination because of race, religion, genetics, sex, sexual orientation, gender identity, origin, creed, nationality, or disability, and shall receive equal treatment under all policies and procedures of this facility.

**Comments: There were no inmate grievances or complaints in the last 150 days about race, religion, national origin, or sex. The interviews revealed no inmate complaints about discrimination based on race, religion, national origin, or sex. MCJ policy and procedures demonstrates compliance.**

**Standard 90: Prohibition of Abuse and Harassment: Compliance**

Every facility must have a written policy and procedure to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage and harassment.

**Comments:** Inmate interviews did not reveal any complaints from inmates nor were there any grievances filed on personal abuse, corporal punishment, or harassment. MCJ policy and procedures demonstrate compliance with this standard

**Standard 91: Grievance Procedure: Compliance**

Every facility must have a written policy and procedure to allow inmates to file grievances. Staff may not retaliate against inmates who file grievances. The policy and procedure must include:

A. Forms on which an inmate may report a grievance;

B. Thru D. (See standards)

**Comments:** Reviewed the MCJ policy and procedures, inmates do have the right to file a written grievance regarding treatment of the conditions in the jail. Reviewing five grievances, they were all promptly investigated, and a written report stating the disposition of the grievances was provided to the inmates. MCJ policy and procedures demonstrate compliance with this standard.

**Standard 92: Rules of Inmate Conduct and Prohibited Acts: Compliance**

Every facility shall establish written rules of inmate conduct that specify acts prohibited in the correctional facility and the disciplinary sanctions that may be imposed for facility rules violations. The facility shall make these rules available to all inmates and establish procedures to ensure that all inmates understand the rules and sanctions that may be imposed. Facility staff shall document disciplinary action of any kind and the administrator shall review all disciplinary action to ensure compliance with clearly established law and facility policy.

Every Grade one and Grade two correctional facility must have a written policy and procedure for inmates to earn sentence reduction credit based upon performance criteria established by the facility administrator, including sentence reduction credit for good conduct, for inmates sentenced to the correctional facility. Sentence reduction credit includes credit for time spent in custody prior to sentence when ordered by the sentencing court. An inmate may not earn more than a one-day sentence reduction credit per six days served.

Facility staff shall notify inmates in instances where an inmate is alleged to have committed a crime that the case may be referred to law enforcement officials for criminal investigation and possible prosecution in addition to facility discipline.

**Comments:** MCJ policy for inmates to earn sentence reduction credit based upon performance criteria does demonstrate compliance.

**Standard 93: Levels of Violations: Compliance**

Every facility shall have written policy, procedure, and practice including at least two levels of violations, sanctions for each level, and the use of pre-hearing detention. Minor rule violations do not require a formal hearing. Sanctions for minor rule violations may not include the use of restrictive housing, fines, fees, restitution, or impact the person's release from custody. Sanctions for minor rule violations, including loss of privileges, restriction to quarters or work without pay may not exceed five days.

A. Violations involving possible sanctions of fines, fees, restitution, impact their release, involve the use of disciplinary detention or loss of privileges over five days require a formal hearing as outlined in Standard 96.

B. Inmates accused of violating a correctional facility rule which may result in restrictive housing, fine, fee, restitution or loss of privileges over five days must receive a twenty-four hour notice of the charges prior to the disciplinary hearing, unless the inmate waives the twenty-four hour notice requirements.

**Comments:** MCJ policy and procedures demonstrate compliance.

**Standard 94: Disciplinary Report Requirements: Compliance**

Disciplinary reports must include:

A. Specific rules violated;

B. thru G. (See standards)

**Comments:** A review of 4 incident reports shows that MCJ demonstrates compliance with this standard.

**Standard 95: Pre-hearing Restrictive Housing: Non-Complaint**

Inmate may be placed in restrictive housing for a violation of the facility rules prior to a disciplinary hearing. This action must be documented and a disciplinary hearing shall follow within seven days unless authorized by the jail administrator.

**Comments:** At the time of the inspection Mclean County Jail indicated that they did not always conduct hearings for detainees placed in restrictive housing nor did they keep documentation.

**Standard 96: Disciplinary Hearing Requirements: Complaint**

Every facility must have a written policy and procedure that requires:

**Comments:** MCJ Discipline policy demonstrates compliance.

**Standard 97: Use of Restrictive Housing: Compliance**

If a facility utilizes restrictive housing, it must have a written policy, procedure and practice for the supervision of inmates while in this status.

**Comments:** MCJ has a policy, procedures, and practice that demonstrates compliance.

**Standard 98: Use of Immediate Restrictive Housing: Compliance**

Every facility must have a written policy and procedures that allows the immediate restrictive housing of inmates who present a serious threat to the safety or security of the facility or any person. This action must be reviewed within 72 hours by the facility administrator. When an inmate is placed in restrictive housing, facility staff shall document the reasons the inmate was placed in restrictive housing. Each inmate's placement in restrictive housing must be reviewed at least every seven days by the facility administrator with written documentation providing rational for release or continued placement.

**Comments:** MCJ has a policy and procedures that demonstrate compliance.

**Standard 99: Restriction of Items or Activities: Compliance**

When inmates are not provided any usually authorized item or activities, including visitation, facility staff shall make a report of the action and provide the report to the facility administrator.

**Comments:** MCJ meets the requirements of this standard.

**Standard 100: Showering and Shaving: Compliance**

Inmates in restrictive housing must have the opportunity to shower at least three times per week. Shaving may be allowed according to the facility schedule.

**Comments:** MCJ meets the requirements of this standard.

**Standard 101: Restrictive Housing Inmate Telephone Calls: Compliance**

Inmates in restrictive housing may be allowed telephone calls related specifically to access to the courts and family emergencies as determined by the facility administrator.

**Comments:** Inmates on any type of restrictive housing are not denied access to telephones unless the restriction is directly related to abuse of equipment or misuse/threats or other illegal activity via telephone.

**Standard 102: Restrictive Housing Review: Compliance**

Inmates in restrictive housing after seven continuous days are afforded at least one hour outside their cell, five days per week, unless the facility administrator can document with clear rational for denial.

**Comments:** Reviewed MCJ restrictive housing policy and procedures. The inspection found MCCF policies and procedures do demonstrate compliance.

**Standard 103: Staff Orientation Training: Non-Compliant**

Every facility must have a written policy and procedures requiring all correctional officers participate in a documented orientation training program prior to independent assignment. The orientation program must meet the particular needs of the correctional facility and must include at a minimum:

A. Facility policy and procedures;

B Thru H. (See standards)

**Comments:** MCJ could not provide documentation demonstrating that MCJ correctional staff received the required orientation.



**Standard 104: Staff Training Requirements:****Non-Compliant**

All administrators and staff who work in direct and continuing contact with inmates shall within their first year of employment receive training determined and approved by the North Dakota Peace Officer Standards and Training (P.O.S.T.) Board and shall receive an additional forty-eight hours of training during every three year period following the first day of January after the date of employment.

**Comments: MCJ could not provide documentation demonstrating that MCJ correctional staff received the required forty-eight hours of additional training during every three year period following the first day of January after the date of employment.**

**Standard 105: Staff Certification and Recertification: Compliance**

The North Dakota Peace Officer Standards and Training (P.O.S.T.) Board shall determine the North Dakota Correctional Officer Training necessary to achieve North Dakota certification.

**Comments: MCJ meets the requirements of this standard.**

**Standard 106: Security Equipment: Compliance**

Every facility shall have a written policy, procedure, and practice covering the use, issuing, storage, training, and maintenance of security equipment, weapons, and firearms.

**Comments: MCJ policy and procedures demonstrates compliance.**

**Standard 107: Grade Four Requirements: This standard is not applicable to MCJ****Standard 108: Management of Inmate Population: Compliance**

Every Grade one and Grade two correctional facility, in cooperation with law enforcement, state's attorneys, and the judiciary in which the correctional facility is located, shall develop an inmate population plan to prioritize inmate admissions and inmate retention, including alternatives to physical custody for individuals under charge or conviction of an offense. This standard does not apply when there are exigent circumstances that may affect the correctional facility's operations and inmate population, including acts of God and mass arrests.

**Comments: At the time of the inspection Mclean County Jail did not have an inmate population plan to comply with standard 108.**

**COMPLIANCE TALLY**

<b>Number of Standards</b>	<b>108</b>
<b>Number of Applicable standards</b>	<b>107</b>
<b>Number of Non-compliance</b>	<b>11</b>
<b>Number of Variance request</b>	<b>0</b>
<b>Number of Variance granted</b>	<b>0</b>
<b>Number of standards in Compliance</b>	<b>96</b>